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OEA

SERVICE DATE – JULY 22, 2011

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB-33 (Sub-No. 257X)**

**Union Pacific Railroad Company—Abandonment and Discontinuance of  
Trackage Rights Exemption—in Benton County, Or.**

**Docket No. AB-986 (Sub-No. 1X)**

**Willamette & Pacific Railroad, Inc.—Discontinuance of Service and Discontinuance of  
Trackage Rights Exemption—in Benton County, Or.**

**BACKGROUND**

On May 23, 2011, Willamette & Pacific Railroad, Inc. (WPRR), and Union Pacific Railroad Company (UP) jointly filed a petition under 49 U.S.C § 10502 seeking exemption from the provisions of 49 U.S.C. § 10903 for WPRR to discontinue service over and for UP to abandon 17.86 miles of rail line. The rail line is described as follows: 1) from milepost 682.25 near Greenberry, Or., to milepost 671.58 near Monroe, Or., on the Bailey Branch; and 2) from milepost 673.21 near Alpine Junction to milepost 680.06 near Dawson, Or., on the Hull Oakes Lead (together the Line) in Benton County, Or. WPRR and UP also seek to discontinue their respective reserved limited overhead trackage rights over Albany & Eastern Railroad Company's line between milepost 687.6 south of Corvallis, Or., and milepost 682.25 near Greenberry, Or., a distance of 5.35 miles. A map depicting the Line in relationship to the area served is attached to this Environmental Assessment (EA).

In the materials submitted, UP states that it owns the Line but has leased it to WPRR, who has operated the Line since 1993. The Bailey Branch and the Hull Oakes Lead are both stub-ended rail lines that carry no overhead traffic and have been out of service since 2007 due to poor track conditions. Prior to the Line being taken out of service in 2007, there was a single shipper on the Bailey Branch and 2 shippers on the Hull Oakes Lead. The primary commodities moved over the Line were lumber and wood chips.

According to UP, after a series of derailments, WPRR determined that the Line was unsafe to operate. The Line was embargoed in June 2007. The trackage rights were reserved in order to preserve the ability of UP and WPRR to reach the Line pending approval of abandonment and discontinuance. WPRR later determined that existing rail traffic did not justify the cost required to rehabilitate the Line to FRA Class 1 standards.

According to UP, although the Line has been out of service for over 2 years, it does not qualify for the 2 year out of service class exemption because the Line was subject to an embargo and did carry rail traffic in the 2 years prior to the embargo.

### **DESCRIPTION OF THE RAIL LINE**

The topography surrounding the Line is generally level but becomes hilly as the Hull Oakes Lead approaches Dawson. With exception of the Town of Monroe, the area is rural. The width of the right-of-way of the Bailey Branch is generally 60 feet. The width of the right-of-way of the Hull Oakes Lead varies between 40 to 50 feet. The Line contains 20 bridges that are 50 years old or older, as well as approximately 50 at-grade crossings, 29 of which are public. If the Board should approve this abandonment, UP would salvage the track materials and sell the salvaged components for reuse, rerolling or as scrap.

UP states that Line does not contain federally granted rights-of-way. The Line contains a total of approximately 132.6 acres of right-of-way; of which 130.10 acres are owned by UP in fee with the remaining 2.5 acres being subject to reversionary rights but may be suitable for alternative public use. The Line traverses United States Postal Service Zip Codes 97333 and 97456.

The Line passes through the eastern side of the William L. Finley National Wildlife Refuge. This refuge honors the work of the pioneering Oregon naturalist. Beginning in the late 1800's, Mr. Finley worked tirelessly to protect wildlife. He used photographs and movie film to graphically display the beauty of wildlife and to campaign for conservation efforts. Over the years, he produced over 50,000 photographs and 200,000 feet of film to support his efforts. In 1907, President Theodore Roosevelt created the first bird refuge on the west coast after seeing photographs taken by Mr. Finley.

### **ENVIRONMENTAL REVIEW**

UP submitted an Environmental Report jointly with WPRR that concludes that the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules (49 C.F.R. § 1105.7(b)).<sup>1</sup> The Board's

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 257X).

Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

As noted above, the Bailey Branch and Hull Oakes Lead are both stub-ended rail lines that carry no overhead traffic and have been out of service since June 2007. The Line was embargoed after a series of derailments. Prior to the Line being embargoed, there was a single shipper on the Bailey Branch (Van Beek Dairy) and 2 shippers on the Hull Oakes Lead (Hull Oakes Lumber and Wilbur Ellis). The primary commodities transported were lumber and wood chips.

According to UP, it sought to preserve the Line by selling it to public and private interests. This effort was unsuccessful, although UP did manage to sell an adjoining segment of the Bailey Branch, which is now operated by Albany & Eastern Railroad Company pursuant to Board authority.

The Line has been out of service since 2007. In its Environmental Report, UP prepared both actual and estimated numbers of rail car movements: according to UP, the 2007 (base year) actual and estimated rail car volume would have generated approximately 378 railcars. Assuming a 4 to 1 truck-to-railcar ratio and a 100% empty back-haul for trucks, the abandonment would have generated approximately 3,024 additional trucks per year, or approximately 12 additional trucks per day on area roadways. UP also notes that the Bailey Branch runs parallel to Oregon Highway 99 West, which connects to U.S. Route 20 at Corvallis, OR, and U.S. Interstate 5, the area's main regional highways.

OEA notes that because the Line has been out of service since 2007, any diversion from rail to truck has already occurred. If the abandonment is approved, OEA believes that there would be no adverse effect on regional or local transportation systems because the roadways in the area of the Line have adequate capacity and the numbers of additional trucks moving on these roads as a result of the abandonment is low (as explained above, 12 additional trucks per day on area roads).

### ***Salvage Activities***

If the Board should approve the proposed abandonment, UP would salvage the track materials and sell the salvaged components for reuse, rerolling or as scrap. If approved, UP states that salvage would occur as follows:

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel

(angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next, the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and, (3) scrap ties. Scrap ties are loaded into railcars and shipped by UP to an EPA-approved disposal site.

UP would salvage all bridges. Culverts, ballast, and the right-of-way would remain intact so as not to alter the prevailing water flows along the Line. UP's salvage contractors would be required to limit their activities to the width of the right-of-way and to not place fills or other material in water bodies, including inland waterways. When the salvage process has been completed, water flows in the area should remain undisturbed. Finally, all road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing authority. Any railroad signals would also dismantled and removed.

UP's salvage work for abandonments is always performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work would be independently inspected by a UP roadmaster (or equal representative) to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

### ***Comments***

The Benton County Board of Commissioners (BOC) opposes the proposed abandonment and states that rail service is vitally important to the future of Benton County and the State's most populous region, the Willamette Valley. According to BOC, the Line considered part of County's Transportation Improvement Plan. Lastly, BOC notes that the transition from rail to truck transport would result in the degradation of the quantity and quality of land, air, water, wetland, and species habitat.

Similarly, the Corvallis-Benton Chamber Coalition (Coalition) also opposes the proposed abandonment. The Coalition states that access to rail service from its industrial park is important to existing and future developments. The Coalition also notes that, as fuel prices increase, that rail service is important to the local industry's global competitiveness. According to the Coalition, monies are available to rehabilitate that Line through 2 State grants totaling \$320,000 and the collection of a \$49 per railcar fee collected from all shippers.

As discussed in detail above, rail service on the Line ceased in 2007 when the Line was embargoed. OEA has estimated that the rail-to-truck diversion that occurred in 2007 resulted in only 12 additional trucks on area roadways. This *deminimus* increase of truck traffic spread over the area roadways has in all likelihood not resulted, as BOC alleges, in the degradation of land, air, water, wetland, and species habitat. Moreover, as also discussed above, salvage of the rail

line that could occur if the Board were to approve UP's proposal to abandon this rail line would not, as conditioned, cause adverse impacts to land, air, or water.

The Coalition's concerns go not to environmental concerns of abandonment but rather to the economic health of the area, which the Board will consider in addressing the merits of the proposed abandonment.

As noted above, the Line passes through the eastern side of the William L. Finley National Wildlife Refuge. We have not heard back from the U.S. Fish and Wildlife Service regarding the potential of the abandonment to affect threatened or endangered species.

UP in its Environmental Report states that there are no known hazardous waste sites or sites where known hazardous material spills have occurred on or along the right-of-way.

The Oregon Department of State Lands (OR-DOSL) indicates that UP may need to obtain a wetlands permit from the U.S. Army Corps of Engineers (Corps) and the State. The OR-DOSL also notes that removal of crossing structures may enhance fish habitat and wetland restoration and is strongly encouraged. UP states that it is willing to consult with both the Corps and the OR-DEQ if any salvage activities would affect waters or wetlands of the State. We explain below that no Corps permit is necessary, but that we are recommending that the Board impose a condition requiring UP to consult with the Oregon Department of Environmental Quality prior to initiating any salvage operations.

The U.S. Army Corps of Engineers, Portland District (Corps), states that if UP were to engage in activities that would result in discharges of dredged or fill material into waters of the United States, that a Section 404 Permit would be required. As noted earlier, UP states that salvage activities would not result in the placement of fill or other material in water bodies, including inland waterways. Therefore, OEA does not believe that a condition requiring UP to obtain a Section 404 Permit or requiring UP to consult with the Corps before conducting any salvage activities on the Line is necessary.

The Oregon Department of Environmental Quality, Western Region Eugene Office (OR-DEQ) states that if ballast is removed and excavation of native soil is to occur, that UP would need to obtain a National Pollutant Discharge Elimination Systems Permit. This permit is required for any construction projects that would disturb over 5 acres of land and could result in stormwater runoff into waters of the state. OEA notes that the area encompassed by the proposed abandonment is approximately 132.6 acres, therefore, OEA is recommending a condition requiring UP to consult with the OR-DEQ and comply with all reasonable requirements of that agency.

In an email dated October 30, 2007, the U.S. Department of Commerce, National Geodetic Survey (NGS) states that there are approximately 10 geodetic survey markers located in the area of the proposed abandonment. OEA will recommend that UP consult with the NGS

prior to the commencement of any salvage activities to allow for relocation of any affected survey markers.

Based on all information available to date, and if the Board imposes the recommended mitigation, OEA does not believe that salvage activities would cause significant environmental impacts.

### **HISTORIC REVIEW**

In its Historic Report, UP states that the right-of-way of the Bailey Branch is generally 60 feet wide while that of the Hull Oakes Lead varies from between 40 to 50 feet in width and includes 20 bridges that are 50 years old or older. See Table below for a description of bridges that are 50 years old or older.

| <b>Hull Oakes Lead</b> |                                      |                       |                             |
|------------------------|--------------------------------------|-----------------------|-----------------------------|
| <b>Milepost</b>        | <b>Bridge Type</b>                   | <b>Length in Feet</b> | <b>Date of Construction</b> |
| 674.04                 | 2 Span Timber Pile Trestle Open Deck | 30                    | 1937                        |
| 674.58                 | 1 Span Timber Pile Trestle Open Deck | 10                    | 1930                        |
| 674.83                 | 1 Span Timber Pile Trestle Open Deck | 10                    | 1930                        |
| 674.84                 | 1 Span Timber Pile Trestle Open Deck | 10                    | 1930                        |
| 675.21                 | 7 Span Timber Pile Trestle Open Deck | 10                    | 1941                        |
| 675.36                 | 2 Span Timber Pile Trestle Open Deck | 30                    | 1938                        |
| 676.97                 | 4 Span Timber Pile Trestle Open Deck | 60                    | 1913                        |
| 677.23                 | 1 Span Timber Pile Trestle Open Deck | 15                    | 1913                        |
| 677.32                 | 1 Span Timber Pile Trestle Open Deck | 15                    | 1913                        |
| 677.4                  | 2 Span Timber Pile Trestle Open Deck | 27                    | 1913                        |
| 677.88                 | 1 Span Timber Pile Trestle Open Deck | 15                    | 1919                        |
| 677.95                 | 3 Span Timber Pile Trestle Open Deck | 42                    | 1913                        |
| 678.32                 | 5 Span Timber Pile Trestle Open Deck | 75                    | 1952                        |
| 679.4                  | 5 Span Timber Pile Trestle Open Deck | 75                    | 1930                        |
| 679.53                 | 2 Span Timber Pile Trestle Open Deck | 30                    | 1939                        |
| 679.61                 | 5 Span Timber Pile Trestle Open Deck | 73                    | 1930                        |
| 679.91                 | 3 Span Timber Pile Trestle Open Deck | 45                    | 1932                        |
| <b>Bailey Branch</b>   |                                      |                       |                             |
| 674.25                 | 3 Span Timber Pile Trestle Open Deck | 45                    | 1931                        |
| 676.46                 | 3 Span Timber Pile Trestle Open Deck | 45                    | 1928                        |
| 677.74                 | 2 Span Timber Pile Trestle Open Deck | 30                    | 1960                        |

The entire Line, except a short segment of the Bailey Branch from Alpine Junction to the end of the Line at Monroe, was constructed between 1909 and 1910 by the Corvallis and Alsea River Railway. The remaining segment was constructed in 1913 by the Portland, Eugene and Eastern Railway.

Benton County was created out of an area originally inhabited by the Klickitat Tribe, who rented it from the Kalapuyas Tribe for use as hunting grounds. All tribal claims to land within Benton County were ceded in the Treaty of Dayton in 1855.

UP served the Historic Report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Oregon Parks and Recreation Department, State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c).<sup>2</sup> The SHPO, in a letter dated September 7, 2007, concludes that the trestles are contributing resources to linear resources eligible for the National Register of Historic Places. The SHPO also notes that the abandonment and discontinuance of operation is considered a "no historic properties adversely affected" because the rail traffic has already stopped moving over the Line and therefore would result in no physical effect on the resources. The SHPO further explains that if UP demolishes any of the structures on the Line, SHPO would find that an adverse effect to eligible resources had occurred.

In letters dated April 5 and May 13, 2011, the SHPO reiterates its position above in addition to identifying the National Register listed Hull-Oakes Mill located within the Area of Potential Effect. The SHPO states that the Hull-Oakes Mill is located at approximately milepost 679.91, as a contributing resources district. SHPO provides the following information from the nomination form of the Hull-Oakes Mill:

Three railroad spurs totaling about 1,200 linear feet, more or less, are a collective contributing feature. They are spurs off a Southern Pacific Railroad main line that entered the area in 1909-1910, and are owned by the Hull-Oakes Lumber Company (Company). Construction dates for the spurs are not exactly known, but they are directly associated with the Company and an integral part of the Company's product-transportation network.

Because, UP states that it would salvage the Line, including the bridges, we are recommending a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all historic properties, including the rail line itself, within the project right-of-

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<sup>2</sup> Guidance regarding the Board's historic preservation review process is available on the Board's Web site at: <http://www.stb.dot.gov/stb/environment/preservation.html>.

way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>3</sup> The database indicated that the following 3 federally-recognized tribes, may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment:

1. Confederated Tribes and Bands of the Yakama Nation, Washington
2. Confederated Tribes of the Colville Reservation, Washington
3. Confederated Tribes of the Umatilla Reservation, Oregon

Accordingly, OEA is sending a copy of this EA to the above mentioned 3 tribes for review and comment.

### **CONDITIONS**

We recommend that the following 2 conditions be imposed on any decision granting abandonment authority:

- 1. Union Pacific Railroad Company, shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**
- 2. Union Pacific Railroad Company, shall consult with the Oregon Department of Environmental Quality – Western Region Eugene Office regarding the need to obtain a National Pollutant Discharge Elimination Systems Permit prior to the commencement of salvage activities.**
- 3. Union Pacific Railroad Company shall retain its interest in and take no steps to alter the historic integrity of all historic properties, including the rail line itself, within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f. Union Pacific Railroad Company shall report to the Office of Environmental Analysis (OEA) regarding any consultations with the SHPO and the public.**

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<sup>3</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited July 18, 2011).

**Union Pacific Railroad Company may not file its consummation notice or initiate any salvage activities (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, that abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

**COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Troy Brady, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 257X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: July 22, 2011.

**Comment due date: August 22, 2011.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment